

ESTTA Tracking number: **ESTTA83255**

Filing date: **05/31/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	MET- Rx Substrate Technology, Inc.		
Entity	Corporation	Citizenship	California
Address	90 Orville Drive Bohemia, NY 11716 UNITED STATES		

Attorney information	Scott B Fisher Jaspan Schlesinger Hoffman LLP 300 Garden City Plaza Garden City, NY 11530 UNITED STATES lhechtel@jshllp.com, sfisher@jshllp.com Phone:516 746 8000		
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Applicant Information

Application No	78513173	Publication date	05/02/2006
Opposition Filing Date	05/31/2006	Opposition Period Ends	06/01/2006
Applicant	Freedom Marketing Group, LLC 40 E. Main Street #357 Newark, DE 19711 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2001/03/31 First Use In Commerce: 2001/04/17
All goods and services in the class are opposed, namely: Nutritional supplements, diet pills, herbal supplements, dietary supplements, vitamin and mineral supplements

Attachments	notice of opp melt rx.2pdf.pdf (7 pages)(21941 bytes) met rx exhibits.pdf (32 pages)(1225644 bytes)
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Signature	/scott b fisher/
Name	Scott B Fisher
Date	05/31/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application

Applicant : Freedom Marketing Group, LLC
Serial No. : 78/513,173
Filed : November 8, 2004
Mark : MELT RX 24 ULTRA with Design
Int'l Class : 005
For : Nutritional supplements, diet pills, herbal supplements, dietary
supplements, vitamin and mineral supplements
Published : May 2, 2006

-----X
MET-RX Substrate Technology, Inc., :
:
Opposer, :
:
vs. : Opposition No.: _____
:
Freedom Marketing Group, LLC :
:
Applicant. :
:
-----X

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Opposer, MET-Rx Substrate Technology, Inc. (the "Opposer" or "MET-RX"), is a corporation duly organized and existing under the laws of the State of California, with a principal place of business at 90 Orville Drive, Bohemia, New York 11716.

MET RX believes that it will be damaged by the registration of MELT RX 24 ULTRA covering “Nutritional supplements, diet pills, herbal supplements, dietary supplements, vitamin and mineral supplements” in International Class 005 (the “MELT RX Mark” or the “Applicant’s Mark”), by applicant, Freedom Marketing Group, LLC, a limited liability company formed and organized under the laws of the State of Delaware, with a principal place of business at 40 E. Main Street, No. 357, Newark, Delaware 19711 (“Applicant”), and hereby opposes the same.

As grounds in support for this opposition, Opposer alleges the following:

1. Opposer, by duly recorded assignment, is the owner of all right, title and interest in United States Trademark Registration No. 2,058,523, registered May 6, 1997, on the Principal Register for the trademark MET-RX, covering the following goods:

“nutritional supplements, namely powdered and solid food supplements consisting of proteins, carbohydrates, vitamins and minerals,” in International Class 5; and

“food consisting of proteins, carbohydrates, vitamins and minerals, namely bakery goods, fudge brownie and vanilla protein food bars, ice cream, ice milk, pizza, and turkeyburger sandwiches” in International Class 30.

(See Exhibit A, attached hereto). Affidavits under Sections 8 and 15 of the Trademark Act (15 U.S.C. § 1065) were filed, accepted and acknowledged, which renders Opposer’s right to use the mark on the said goods incontestable.

2. Opposer, by duly recorded assignment, is the owner of all right, title and interest in United States Trademark Registration No. 2,664,282, registered December

17, 2002, on the Principal Register for the trademark MET-RX MASS, covering the following goods:

“dietary and nutritional supplements,” in International Class 5; and

“nutritionally fortified protein based snacks and ready to eat food bars derived from cereal,” in International Class 30; and

“powder sport drink mixes” in International Class 32.

(See Exhibit B, attached hereto).

3. Opposer, by duly recorded assignment, is the owner of all right, title and interest in United States Trademark Registration No. 2,169,788, registered June 30, 1998, on the Principal Register for the trademark MET-RX, covering the following goods:

“ clothing, namely, shirts, T-shirts, tank tops, sweatshirts, pants, sweat pants, leggings, shorts, sweaters, jackets, socks, hats and caps” in International Class 25;

(See Exhibit C, attached hereto). Affidavits under Sections 8 and 15 of the Trademark Act (15 U.S.C. § 1065) were filed, accepted and acknowledged, which renders Opposer’s right to use the mark on the said goods incontestable.

4. Opposer, by duly recorded assignment, is the owner of all right, title and interest in United States Trademark Registration No. 2,556,583, registered April 2, 2002, on the Principal Register for the trademark MET-RX PROTEIN PLUS, covering the following goods:

“cereal based food bars and ready to eat food bars, all containing protein,” in International Class 30.

(See Exhibit D, attached hereto).

5. Opposer, by duly recorded assignment, is the owner of all right, title and interest in United States Trademark Registration No. 2,470,368, registered July 17, 2001, on the Principal Register for the trademark MET-RX NATURAL KRUNCH, covering the following goods:

“nutritional food bars containing grain, processed fruits, proteins, vitamins and minerals,” in International Class 30.

(See Exhibit E, attached hereto).

6. Opposer, by duly recorded assignment, controls all right, title and interest in at least forty-eight (48) internationally registered MET-RX trademarks. (All marks identified in Paragraphs 1-6 are hereinafter collectively referred to as the “MET-RX Marks”).

7. Opposer manufactures and markets in the United States and beyond a wide variety of dietary supplements, nutritional supplements, vitamins, powdered sport drink mixes, and food products, as well as clothing, under its well-known MET-RX Marks.

8. Opposer has been actively expanding its use of the MET-RX Marks. Through such extensive and continuous use, Opposer has acquired a significant and valuable interest in its MET-RX Marks for its goods. This interest will be injured by Applicant's use of the MELT RX Mark, phonetically and visually substantially similar to Opposer's valuable MET-RX Marks and confusingly similar in appearance, sound, connotation, and commercial impression to Opposer's valuable MET-RX Marks.

9. Opposer has continuously used its distinctive MET RX Marks since at least as early as September 11, 1992, nearly nine years earlier than Applicant's alleged first use date of April 17, 2001 for the MELT RX Mark.

10. Opposer has been actively using the MET RX Marks. Through such extensive and continuous use, Opposer has acquired a significant and valuable interest in its MET RX Marks and the goods offered thereunder. This interest will be injured by Applicant's use of the MELT RX Mark, which is confusingly substantially similar in appearance, sound, connotation, and commercial impression to Opposer's valuable MET RX Marks.

11. Opposer has expended considerable time, money and effort in advertising and promoting its MET RX Marks, its products sold under that mark, and in developing substantial and exclusive goodwill and reputation in connection with MET RX and the goods with which the MET RX Marks are used.

12. As a result of these expenditures, combined with substantial sales of quality goods under the MET RX Marks, the relevant consuming public has come to recognize MET RX as favorably distinguishing Opposer's goods from those of others.

13. Opposer has clear priority with respect to the use and registration of MET RX, or any mark confusingly similar thereto, in connection with nutritional supplements, dietary supplements and related goods and products in International Class 005, and Opposer's goods and products in other classes.

14. The dominant portion of Applicant's MELT RX Mark is confusingly similar in appearance, sound, spelling, connotation and commercial impression to the dominant portion of Opposer's MET RX Marks.

15. Applicant seeks to register a mark that is confusingly similar to Opposer's MET RX Marks and will be used in connection with goods which are substantially identical or similar to those goods sold under Opposer's MET RX Marks.

16. Applicant's goods which are or may be sold under its MELT RX Mark are and will be offered through the same or similar channels of trade and to the same or similar class of consumers as Opposer's goods.

17. Applicant's use and registration of the MELT RX Mark in connection with nutritional and dietary supplements, and related goods and products, will cause Opposer injury because such use is likely to cause confusion and/or mistake by wrongly leading consumers to believe that such Applicant's goods, products and services are provided by, sponsored by, or somehow associated with Opposer.

19. These consumers, upon purchasing, using or otherwise receiving Applicant's goods, products and services bearing the MELT RX Mark are likely to be confused and deceived and are likely to believe in the existence of some association between the Applicant or Applicant's goods and Opposer, all to the injury of Opposer's MET RX Marks.

20. Applicant's use and registration of the MELT RX Mark will dilute the distinctive quality of and diminish or detract from the prior rights firmly established by Opposer in and to the MET RX Marks.

21. Please charge any additional fees to Deposit Account No. 501,844 and direct all correspondence in connection with this opposition to the undersigned.

WHEREFORE, refusal of the registration applied for by Application Serial No. 78/513,173 is respectfully submitted to be in order and is hereby requested.

Dated: May 31, 2006
Garden City, New York

Respectfully submitted,

MET-Rx Substrate Technology, Inc.

By: _____
Scott B. Fisher
Lee Grosskreuz Hechtel
Jaspan Schlesinger Hoffman LLP
300 Garden City Plaza
Garden City, New York 11530
Tel. (516) 746-8000
Fax (516) 393-8282

Attorneys for Opposer
MET-RX Substrate Technology, Inc.

491431

EXHIBIT "A"

Trademark Electronic Search System (TESS)



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Typed Drawing

Word Mark	MET-RX
Goods and Services	IC 005. US 008 018 044 046 051 052. G & S: nutritional supplement food supplements consisting of proteins, carbohydrates, vitamins, minerals, amino acids, and other dietary ingredients. FIRST USE IN COMMERCE: 19920911. IC 030. US 046. G & S: food consisting of proteins, carbohydrates, bakery goods, fudge brownie and vanilla protein food bars, ice cream, turkeyburger sandwiches. FIRST USE: 19920911. FIRST USE
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74431171
Filing Date	September 2, 1993
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 23, 1996
Registration Number	2058523
Registration Date	May 6, 1997
Owner	(REGISTRANT) Met-Rx Substrate Technology, Inc. CORPORATION Center Drive Irvine CALIFORNIA 92715 (LAST LISTED OWNER) MET-RX SUBSTRATE TECHNOLOGY, INC. CALIFORNIA 90 ORVILLE DRIVE BOHEMIA NEW YORK 1
Assignment	

Trademark Electronic Search System (TESS)

Recorded ASSIGNMENT RECORDED
Attorney of Record DEBORAH SHUR TRINKER,
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text .SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Trademark Assignment Abstract

Total Assignments: 14

Serial #: 74431171 **Filing Dt:** 09/02/1993

Reg #: 2058

Registrant: Met-Rx Substrate Technology, Inc.

Mark: MET-RX

Assignment: 1

Reel/Frame: 1379/0230 **Received:** 11/28/1995

Recorded:

Conveyance: SECURITY INTEREST

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: BANKAMERICA BUSINESS CREDIT, INC.
TWO NORTH LAKE AVENUE, 4TH FL.
PASADENA, CALIFORNIA 91101

Correspondent: MR. SIGI HINOJOSA
BUCHALTER, NEMER, FIELDS & YOUNGER
601 S. FIGUEROA ST., 24TH FL.
LOS ANGELES, CA 90017

Assignment: 2

Reel/Frame: 1569/0274 **Received:** 04/09/1997

Recorded:

Conveyance: SECURITY AGREEMENT

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: FREMONT FINANCIAL CORPORATION
2020 SANTA MONICA BLVD., STE. 60
ATTN: REGIONAL CREDIT MGR
SANTA MONICA, CALIFORNIA 90404

Correspondent: SHEPPARD, MULLIN, RICHTER & HAMPTON
ATTN: T. CALLOBRE, ESQ.
333 S. HOPE ST., 48TH FLOOR
LOS ANGELES, CA 90071

Assignment: 3

Reel/Frame: 1692/0697 **Received:** 03/04/1998

Recorded:

Conveyance: RELEASE BY SECURED PARTY OF SECURITY INTEREST
1995 AT REEL 1379 FRAME 0230.

Assignor: BANKAMERICA BUSINESS CREDIT, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

USPTO Assignments on the Web

2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92715
Correspondent: COWAN, LIEBOWITZ & LATMAN, P.C.
ROBIN J. ADELSON, ESQ.
1133 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-6799

Assignment: 4

Reel/Frame: 1679/0939 **Received:** 01/30/1998

Recorded:

Conveyance: SECURITY AGREEMENT

Assignors: MET-RX USA, INC.

MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: BNY FINANCIAL CORPORATION
1290 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10104
Correspondent: COWAN, LIEBOWITZ & LATMAN, P.C.
ROBIN ADELSON
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799

Assignment: 5

Reel/Frame: 1843/0433 **Received:** 01/26/1999

Recorded:

Conveyance: PARTIAL RELEASE AND REASSIGNMENT

Assignor: FREEMONT FINANCIAL CORPORATION

Assignees: MET-RX USA, INC.
2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92012
MET-RX SUBSTRATE TECHNOLOGY, INC.
2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92012
Correspondent: RUDNICK & WOLFE
DAVID J. RICHTER
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 64807
CHICAGO, IL 60664

Assignment: 6

Reel/Frame: 1894/0371 **Received:** 05/10/1999

Recorded:

Conveyance: TRADEMARK COLLATERAL ASSIGNMENT AND SECURITY

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: LASALLE NATIONAL BANK

USPTO Assignments on the Web

135 S. LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent: RUDNICK & WOLFE
DAVID J. RICHTER, ESQ.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 64807
CHICAGO, IL 60664-0807

Assignment: 7

Reel/Frame: 1894/0439 **Received:** 05/10/1999

Recorded:

Conveyance: PARTIAL RELEASE AND REASSIGNMENT

Assignor: BNY FINANCIAL CORPORATION

Assignee: MET-RX USA, INC. AND MET-RX SUBSTRATE TECHNOLOGY, INC.
2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92612

Correspondent: RUDNICK & WOLFE
DAVID J. RICHTER, ESQ.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 64807
CHICAGO, IL 60664-0807

Assignment: 8

Reel/Frame: 2407/0050 **Received:** 12/26/2001

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: NUMICO FINANCIAL SERVICES, S.A.
3, PLACE DE L'EUROPE, CH-1003
LAUSANNE, SWITZERLAND

Correspondent: VEDDER, PRICE, KAUFMAN & KAMMHOLZ
GUY E. SNYDER, ESQ.
222 NORTH LASALLE STREET
SUITE 2400
CHICAGO, IL 60606

Domestic rep: VEDDER, PRICE, KAUFMAN & KAMMHOLZ
GUY E. SNYDER, ESQ.
222 NORTH LASALLE STREET, SUITE 2400
CHICAGO, IL 60606

Assignment: 9

Reel/Frame: 2804/0337 **Received:** 08/20/2003

Recorded:

Conveyance: RELEASE OF SECURITY INTEREST

Assignor: LASALLE BANK NATIONAL ASSOCIATION

USPTO Assignments on the Web

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.
2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92612

Correspondent: CSC
TONYA CHAPPLE
80 STATE ST.
ALBANY, NY 12207

Assignment: 10

Reel/Frame: 2847/0508 **Received:** 05/10/2004

Recorded

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

Assignee: NBTY, INC.
90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON
P.O. BOX 55874
BOSTON, MA 02205

Assignment: 11

Reel/Frame: 2897/0939 **Received:** 07/19/2004

Recorded

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

Assignee: NBTY, INC.
90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: NBTY, INC.
JOHN PATRICK PARASCHOS, ESQ.
90 ORVILLE DRIVE, LEGAL DEPT.
BOHEMIA, NY 11716

Assignment: 12

Reel/Frame: 2838/0001 **Received:** 10/02/2003

Recorded

Conveyance: SHORT FORM TRADEMARK SECURITY AGREEMENT

Assignor: NBTY, INC. & VITAMIN WORLD, INC.

Assignee: JPMORGAN CHASE BANK, AS ADMINISTRATIVE AGENT
270 PARK AVENUE
NEW YORK, NEW YORK 10017

Correspondent: CSC
TONYA CHAPPLE
80 STATE STREET, 6TH FLOOR

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ALBANY, NY 12207

Assignment: 13

Reel/Frame: 2851/0153 **Received:** 05/14/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

1001 WEST 17TH STREET

SUITE H

COSTA MESA, CALIFORNIA 92627

Correspondent: CARRIE WEBB OLSON

301 TRESSER BOULEVARD

EDWARDS & ANGELL, LLP

STAMFORD, CT 06901

Assignment: 14

Reel/Frame: 3017/0195 **Received:** 01/27/2005

Recorded:

Conveyance: NUNC PRO TUNC ASSIGNMENT

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

90 ORVILLE DRIVE

BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON

301 TRESSER BLVD

EDWARDS & ANGELL, LLP

STAMFORD, CT 06901

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Typed Drawing

Word Mark	MET-RX MASS
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: DIETARY AND FIRST USE: 20010501. FIRST USE IN COMMERCE: 20010501 IC 030. US 046. G & S: NUTRITIONALLY FORTIFIED PRO TO EAT FOOD BARS DERIVED FROM CEREAL. FIRST U COMMERCE: 20010501 IC 032. US 045 046 048. G & S: POWDER SPORT DRINK FIRST USE IN COMMERCE: 20010501
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76201664
Filing Date	January 30, 2001
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 13, 2001
Registration Number	2664282
Registration Date	December 17, 2002
Owner	(REGISTRANT) NUMICO FINANCIAL SERVICES, S.A. CO PLACE DE L'EUROPE CH-1003, LAUSANNE SWITZERLA (LAST LISTED OWNER) MET-RX SUBSTRATE TECHNO

Trademark Electronic Search System (TESS)

	CALIFORNIA 90 ORVILLE DRIVE BOHEMIA NEW YORK 11701
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Kenneth Strick
Prior Registrations	2058523;2169788;2321849
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Trademark Assignment Abstract

Total Assignments: 6

Serial #: 76201664 **Filing Dt:** 01/30/2001

Reg #: 26642

Registrant: NUMICO FINANCIAL SERVICES, S.A.

Mark: MET-RX MASS

Assignment: 1

Reel/Frame: 2285/0156 **Received:** 05/02/2001

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: REXALL SUNDOWN, INC.

Assignee: MET RX SUBSTRATE TECHNOLOGY, INC.

6111 BROKEN SOUND PARKWAY NW
BOCA RATON, FLORIDA 33487

Correspondent: SUGHRUE, MION, ZINN, MACPEAK & SEAS PLLC

W. M. WEBNER
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, D.C. 20037-3213

Assignment: 2

Reel/Frame: 2407/0050 **Received:** 12/26/2001

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: NUMICO FINANCIAL SERVICES, S.A.

3, PLACE DE L'EUROPE, CH-1003
LAUSANNE, SWITZERLAND

Correspondent: VEDDER, PRICE, KAUFMAN & KAMMHOLZ

GUY E. SNYDER, ESQ.
222 NORTH LASALLE STREET
SUITE 2400
CHICAGO, IL 60606

Domestic rep: VEDDER, PRICE, KAUFMAN & KAMMHOLZ
GUY E. SNYDER, ESQ.

222 NORTH LASALLE STREET, SUITE 2400
CHICAGO, IL 60606

Assignment: 3

Reel/Frame: 2847/0508 **Received:** 05/10/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

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Assignor: NUMICO FINANCIAL SERVICES, S.A.

Assignee: NBTY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON
P.O. BOX 55874
BOSTON, MA 02205

Assignment: 4

Reel/Frame: 2897/0939 **Received:** 07/19/2004

Recorded

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

Assignee: NBTY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: NBTY, INC.
JOHN PATRICK PARASCHOS, ESQ.
90 ORVILLE DRIVE, LEGAL DEPT.
BOHEMIA, NY 11716

Assignment: 5

Reel/Frame: 2851/0153 **Received:** 05/14/2004

Recorded

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

1001 WEST 17TH STREET
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COSTA MESA, CALIFORNIA 92627

Correspondent: CARRIE WEBB OLSON
301 TRESSER BOULEVARD
EDWARDS & ANGELL, LLP
STAMFORD, CT 06901

Assignment: 6

Reel/Frame: 3017/0195 **Received:** 01/27/2005

Recorded

Conveyance: NUNC PRO TUNC ASSIGNMENT

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON

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Typed Drawing

Word Mark	MET-RX
Goods and Services	IC 025. US 022 039. G & S: clothing, namely, shirts, T-shirts, pants, leggings, shorts, sweaters, jackets, socks, hats and shoes. USE IN COMMERCE: 19940300
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74512409
Filing Date	April 14, 1994
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	October 24, 1995
Registration Number	2169788
Registration Date	June 30, 1998
Owner	(REGISTRANT) Met-Rx Substrate Technology, Inc. CORPORATION, 10000 Street, Suite H Costa Mesa CALIFORNIA 92627
	(LAST LISTED OWNER) MET-RX SUBSTRATE TECHNOLOGY, INC., 10000 CALIFORNIA 90 ORVILLE DRIVE BOHEMIA NEW YORK 11706
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	John Patrick Paraschos

Trademark Electronic Search System (TESS)

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead
Indicator LIVE

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract

Total Assignments: 14

Serial #: 74512409 **Filing Dt:** 04/14/1994

Reg #: 21692

Registrant: Met-Rx Substrate Technology, Inc.

Mark: MET-RX

Assignment: 1

Reel/Frame: 1379/0230 **Received:** 11/28/1995

Recorded:

Conveyance: SECURITY INTEREST

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: BANKAMERICA BUSINESS CREDIT, INC.
TWO NORTH LAKE AVENUE, 4TH FL.
PASADENA, CALIFORNIA 91101

Correspondent: MR. SIGI HINOJOSA
BUCHALTER, NEMER, FIELDS & YOUNGER
601 S. FIGUEROA ST., 24TH FL.
LOS ANGELES, CA 90017

Assignment: 2

Reel/Frame: 1569/0274 **Received:** 04/09/1997

Recorded:

Conveyance: SECURITY AGREEMENT

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: FREMONT FINANCIAL CORPORATION
2020 SANTA MONICA BLVD., STE. 60
ATTN: REGIONAL CREDIT MGR
SANTA MONICA, CALIFORNIA 90404

Correspondent: SHEPPARD, MULLIN, RICHTER & HAMPTON
ATTN: T. CALLOBRE, ESQ.
333 S. HOPE ST., 48TH FLOOR
LOS ANGELES, CA 90071

Assignment: 3

Reel/Frame: 1692/069Z **Received:** 03/04/1998

Recorded:

Conveyance: RELEASE BY SECURED PARTY OF SECURITY INTEREST
1995 AT REEL 1379 FRAME 0230.

Assignor: BANKAMERICA BUSINESS CREDIT, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

USPTO Assignments on the Web

2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92715
Correspondent: COWAN, LIEBOWITZ & LATMAN, P.C.
ROBIN J. ADELSON, ESQ.
1133 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-6799

Assignment: 4
Reel/Frame: 1679/0939 **Received:** 01/30/1998 **Recorded:**
Conveyance: SECURITY AGREEMENT
Assignors: MET-RX USA, INC.

MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: BNY FINANCIAL CORPORATION
1290 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10104
Correspondent: COWAN, LIEBOWITZ & LATMAN, P.C.
ROBIN ADELSON
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799

Assignment: 5
Reel/Frame: 1843/0433 **Received:** 01/26/1999 **Recorded:**
Conveyance: PARTIAL RELEASE AND REASSIGNMENT
Assignor: FREEMONT FINANCIAL CORPORATION

Assignees: MET-RX USA, INC.
2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92012
MET-RX SUBSTRATE TECHNOLOGY, INC.
2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92012

Correspondent: RUDNICK & WOLFE
DAVID J. RICHTER
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 64807
CHICAGO, IL 60664

Assignment: 6
Reel/Frame: 1894/0371 **Received:** 05/10/1999 **Recorded:**
Conveyance: TRADEMARK COLLATERAL ASSIGNMENT AND SECURITY
Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: LASALLE NATIONAL BANK

USPTO Assignments on the Web

135 S. LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent: RUDNICK & WOLFE
DAVID J. RICHTER, ESQ.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 64807
CHICAGO, IL 60664-0807

Assignment: 7

Reel/Frame: 1894/0439 **Received:** 05/10/1999

Recorded:

Conveyance: PARTIAL RELEASE AND REASSIGNMENT

Assignor: BNY FINANCIAL CORPORATION

Assignee: MET-RX USA, INC. AND MET-RX SUBSTRATE TECHNOLOGY, INC.
2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92612

Correspondent: RUDNICK & WOLFE
DAVID J. RICHTER, ESQ.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 64807
CHICAGO, IL 60664-0807

Assignment: 8

Reel/Frame: 2407/0050 **Received:** 12/26/2001

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: NUMICO FINANCIAL SERVICES, S.A.
3, PLACE DE L'EUROPE, CH-1003
LAUSANNE, SWITZERLAND

Correspondent: VEDDER, PRICE, KAUFMAN & KAMMHOLZ
GUY E. SNYDER, ESQ.
222 NORTH LASALLE STREET
SUITE 2400
CHICAGO, IL 60606

Domestic rep: VEDDER, PRICE, KAUFMAN & KAMMHOLZ
GUY E. SNYDER, ESQ.
222 NORTH LASALLE STREET, SUITE 2400
CHICAGO, IL 60606

Assignment: 9

Reel/Frame: 2804/0337 **Received:** 08/20/2003

Recorded:

Conveyance: RELEASE OF SECURITY INTEREST

Assignor: LASALLE BANK NATIONAL ASSOCIATION

USPTO Assignments on the Web

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.
2112 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92612

Correspondent: CSC
TONYA CHAPPLE
80 STATE ST.
ALBANY, NY 12207

Assignment: 10

Reel/Frame: 2847/0508 **Received:** 05/10/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

Assignee: NBTY, INC.
90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON
P.O. BOX 55874
BOSTON, MA 02205

Assignment: 11

Reel/Frame: 2897/0939 **Received:** 07/19/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

Assignee: NBTY, INC.
90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: NBTY, INC.
JOHN PATRICK PARASCHOS, ESQ.
90 ORVILLE DRIVE, LEGAL DEPT.
BOHEMIA, NY 11716

Assignment: 12

Reel/Frame: 2838/0001 **Received:** 10/02/2003

Recorded:

Conveyance: SHORT FORM TRADEMARK SECURITY AGREEMENT

Assignor: NBTY, INC. & VITAMIN WORLD, INC.

Assignee: JPMORGAN CHASE BANK, AS ADMINISTRATIVE AGENT
270 PARK AVENUE
NEW YORK, NEW YORK 10017

Correspondent: CSC
TONYA CHAPPLE
80 STATE STREET, 6TH FLOOR

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ALBANY, NY 12207

Assignment: 13

Reel/Frame: 2851/0153 **Received:** 05/14/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

1001 WEST 17TH STREET
SUITE H
COSTA MESA, CALIFORNIA 92627

Correspondent: CARRIE WEBB OLSON
301 TRESSER BOULEVARD
EDWARDS & ANGELL, LLP
STAMFORD, CT 06901

Assignment: 14

Reel/Frame: 3017/0195 **Received:** 01/27/2005

Recorded:

Conveyance: NUNC PRO TUNC ASSIGNMENT

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON
301 TRESSER BLVD
EDWARDS & ANGELL, LLP
STAMFORD, CT 06901

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Typed Drawing

Word Mark	MET-RX PROTEIN PLUS
Goods and Services	IC 030. US 046. G & S: Cereal based food bars and ready protein. FIRST USE: 19990610. FIRST USE IN COMMER
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75703896
Filing Date	May 12, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 26, 2000
Registration Number	2556583
Registration Date	April 2, 2002
Owner	(REGISTRANT) MET-RX SUBSTRATE TECHNOLOGY, I 2112 Business Center Drive Irvine CALIFORNIA 92612
	(LAST LISTED OWNER) MET-RX SUBSTRATE TECHN CALIFORNIA 90 ORVILLE DRIVE BOHEMIA NEW YORK
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Kenneth Strick
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO US MARK AS SHOWN
Type of Mark	TRADEMARK

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Trademark Assignment Abstract

Total Assignments: 5

Serial #: 75703896 **Filing Dt:** 05/12/1999

Reg #: 25565

Registrant: MET-RX SUBSTRATE TECHNOLOGY, INC.

Mark: MET-RX PROTEIN PLUS

Assignment: 1

Reel/Frame: 2407/0050 **Received:** 12/26/2001

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: NUMICO FINANCIAL SERVICES, S.A.
3, PLACE DE L'EUROPE, CH-1003
LAUSANNE, SWITZERLAND

Correspondent: VEDDER, PRICE, KAUFMAN & KAMMHOLZ
GUY E. SNYDER, ESQ.
222 NORTH LASALLE STREET
SUITE 2400
CHICAGO, IL 60606

Domestic rep: VEDDER, PRICE, KAUFMAN & KAMMHOLZ
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222 NORTH LASALLE STREET, SUITE 2400
CHICAGO, IL 60606

Assignment: 2

Reel/Frame: 2847/0508 **Received:** 05/10/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

Assignee: NBTY, INC.
90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON
P.O. BOX 55874
BOSTON, MA 02205

Assignment: 3

Reel/Frame: 2897/0939 **Received:** 07/19/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

USPTO Assignments on the Web

Assignee: NBTY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: NBTY, INC.

JOHN PATRICK PARASCHOS, ESQ.
90 ORVILLE DRIVE, LEGAL DEPT.
BOHEMIA, NY 11716

Assignment: 4

Reel/Frame: 2851/0153 **Received:** 05/14/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

1001 WEST 17TH STREET
SUITE H
COSTA MESA, CALIFORNIA 92627

Correspondent: CARRIE WEBB OLSON

301 TRESSER BOULEVARD
EDWARDS & ANGELL, LLP
STAMFORD, CT 06901

Assignment: 5

Reel/Frame: 3017/0195 **Received:** 01/27/2005

Recorded:

Conveyance: NUNC PRO TUNC ASSIGNMENT

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON

301 TRESSER BLVD
EDWARDS & ANGELL, LLP
STAMFORD, CT 06901

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Typed Drawing

Word Mark	MET-RX NATURAL KRUNCH
Goods and Services	IC 030. US 046. G & S: NUTRITIONAL FOOD BARS CONTAINING FRUITS, PROTEINS, VITAMINS, AND MINERALS. FIRST COMMERCE: 19990801
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75722506
Filing Date	June 9, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 28, 2000
Registration Number	2470368
Registration Date	July 17, 2001
Owner	(REGISTRANT) MET-Rx Substrate Technology, Inc. CORP. Business Center Drive Irvine CALIFORNIA 92612
	(LAST LISTED OWNER) MET-RX SUBSTRATE TECHNOLOGY, INC. CALIFORNIA 90 ORVILLE DRIVE BOHEMIA NEW YORK
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Diane M. Reed
Prior	2055415;2058523;2169788;AND OTHERS

Trademark Electronic Search System (TESS)

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Type of Mark TRADEMARK
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Trademark Assignment Abstract

Total Assignments: 5

Serial #: 75722506 **Filing Dt:** 06/09/1999

Reg #: 24703

Registrant: MET-Rx Substrate Technology, Inc.

Mark: MET-RX NATURAL KRUNCH

Assignment: 1

Reel/Frame: 2407/0050 **Received:** 12/26/2001

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MET-RX SUBSTRATE TECHNOLOGY, INC.

Assignee: NUMICO FINANCIAL SERVICES, S.A.

3, PLACE DE L'EUROPE, CH-1003
LAUSANNE, SWITZERLAND

Correspondent: VEDDER, PRICE, KAUFMAN & KAMMHOLZ

GUY E. SNYDER, ESQ.
222 NORTH LASALLE STREET
SUITE 2400
CHICAGO, IL 60606

Domestic rep: VEDDER, PRICE, KAUFMAN & KAMMHOLZ

GUY E. SNYDER, ESQ.
222 NORTH LASALLE STREET, SUITE 2400
CHICAGO, IL 60606

Assignment: 2

Reel/Frame: 2847/0508 **Received:** 05/10/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

Assignee: NBTY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON

P.O. BOX 55874
BOSTON, MA 02205

Assignment: 3

Reel/Frame: 2897/0939 **Received:** 07/19/2004

Recorded:

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NUMICO FINANCIAL SERVICES, S.A.

USPTO Assignments on the Web

Assignee: NBTY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: NBTY, INC.

JOHN PATRICK PARASCHOS, ESQ.
90 ORVILLE DRIVE, LEGAL DEPT.
BOHEMIA, NY 11716

Assignment: 4

Reel/Frame: 2851/0153 **Received:** 05/14/2004

Recorded

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

1001 WEST 17TH STREET
SUITE H
COSTA MESA, CALIFORNIA 92627

Correspondent: CARRIE WEBB OLSON

301 TRESSER BOULEVARD
EDWARDS & ANGELL, LLP
STAMFORD, CT 06901

Assignment: 5

Reel/Frame: 3017/0195 **Received:** 01/27/2005

Recorded

Conveyance: NUNC PRO TUNC ASSIGNMENT

Assignor: NBTY, INC.

Assignee: MET-RX SUBSTRATE TECHNOLOGY, INC.

90 ORVILLE DRIVE
BOHEMIA, NEW YORK 11716

Correspondent: CARRIE WEBB OLSON

301 TRESSER BLVD
EDWARDS & ANGELL, LLP
STAMFORD, CT 06901

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